

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICHARD RICHARDSON,

Plaintiff,

-against-

INITIAL DISCOVERY

SRCP 26 (a)(1)

STATEMENT

07-CIV-7198 (LAK) (MHD)

NEW YORK CITY; NEW YORK CITY
LIRR POLICE COMMAND DISTRICT #4;
ALL JOHN DOE OFFICERS; JOHN DOE
TOUR COMMAND; OFFICER FUENES,
TAXID 086729; AND OFFICER
SGT. SMITH;

Defendants.

-----X

Defendants, LIRR, MTA/LIRR POLICE DEPARTMENT, MTA POLICE
OFFICER FUENES AND MTA POLICE OFFICER SGT. SMITH, by their attorneys,
LEWIS JOHS AVALONE AVILES, LLP., as and for their Initial Discovery pursuant to
Federal Rules of Civil Procedure §26(a)(1) state as follows:

- (A) Witnesses. Raymond L. Fuentes, MTA Parole Officer, MTA Police
Department, Penn Station, New York. Officer Fuentes will testify
concerning his knowledge of the incident of June 26, 2007. Canala
Katililu, Manager of Hot & Crusty in Penn Station who was the
complainant/witness for the incident of June 26, 2007.
- (B) Documents. Attached hereto as Exhibit "A" is the MTA Police
Department Incident Report, dated June 26, 2007, Case number 07-
8843.

- (C) Damages Computation. Not applicable to defendants.
- (D) Insurance. All answering defendants herein are self-insured via the Metropolitan Transportation Authority and the Long Island Rail Road.

Dated: Riverhead, New York
November 21, 2007

LEWIS JOHS AVALLONE AVILES, LLP
Attorneys for Defendants
NEW YORK CITY LIRR POLICE COMMAND
DISTRICT #4, ALL JOHN DOE OFFICERS, JOHN
DOE TOUR COMMAND, OFFICER FUENES,
TAX ID 086729, AND OFFICER SGT. SMITH
21 East Second Street
Riverhead, New York 11901
631.369.7600

By:


Edward G. Lukoski (EL-7845)

TO:
Richard Richardson
1416 Brooklyn Avenue
Apt. 1A
Brooklyn, New York 11210
718.282.3365

Sabrina Tann, Esq./Katherine Smith, Esq.
Assistant Corporation Counsel
Special Federal Litigation Division
100 Church Street
New York, New York 10007

Incident Report

M.T.A. POLICE DEPARTMENT

67-8843

Supplement No
ORIG

LAW ENFORCEMENT-GENERAL 1: PO FUENTES

Involvement LAW ENFORCEMENT-GENERAL	Seq 1	Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY
Name PO FUENTES		
Type PD SHIELD	ID No 2324	
Employer/School MTA PD	Position/Grade OFFICER	

SUMMONS-DEFENDANT 1: RICHARDSON, RICHARD

Involvement SUMMONS-DEFENDANT	Seq 1	Type INDIVIDUAL	Name RICHARDSON, RICHARD	MNI 384148
Race BLACK	Sex MALE	DOB 03/20/1956	Age 51	Ethnicity UNKNOWN
Juvenile? No	Height 5'10"	Weight 190#	Ar Res Status UNKNOWN	OFN_INVL 1
Offender Cond APPARENTLY NORMAL				
Type HOME ADDRESS	Address 535 JEROME ST 1F			City BROOKLYN
State NEW YORK	ZIP Code 11207			
Type OPERATOR LICENSE/STATE ID CARD	ID No 492 919 026			

Involvement CRIMINAL SUMMONS	Arrest Type COURT SUMMONS	Arrest Date 06/26/2007	Arrest Time 06:19:00	Status APPEARANCE TICKET
Arrest Location 25 PENN STA		Armed NONE/NOT APPLICABLE		
Charge NY PL 240.20 02 OVO	Charge Literal DIS/CON: UNREASONABLE	A/C C		
Warrant No/Summons No 421735622-5				

VICTIM/COMPLAINANT 1: PSNY

Involvement VICTIM/COMPLAINANT	Seq 1	Type SOCIETY/PUBLIC/PSNY	Name PSNY
MNI 384149			

IBRS Info

Victim Seq 1	Offense Codes 1
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WITNESS 1: CANARA, KATILILU

Involvement WITNESS	Seq 1	Type INDIVIDUAL	Name CANARA, KATILILU	MNI 384150
Employer/School HOT AND CRUSTY	Position/Grade MANAGER			

Modus Operandi

Premise Type STATION/TERMINAL/LINE STATION
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Narrative

On June 26, 2007 at 0619 hours the manager of hot crusty Canala Katililu notified PO Fuentes on 4K02 that a male subject was acting in a disorderly manner. PO Fuentes brought the subject into the district for further investigation and issued him a dis-con summons returnable to Manhattan criminal court on Aug. 29, 2007. The subject then departed the station without further incident.

Report Officer F86429/FUENTES, RAYMOND L	Printed At 09/27/2007 08:06	Page 2 of 2
Supervisor Signature		

Incident Report

M.T.A. POLICE DEPARTMENT

67-8843

Supplement No
ORIG

345 MADISON AVENUE

9TH FLOOR

Reported Date
06/26/2007
Nature of Call
DISCOV
Officer
FUENTES, RAYMOND L

(212) 878-1000

Administrative Information

Agency M.T.A. POLICE DEPARTMENT		Case No 07-8843	Supplement No ORIG	Reported Date 06/26/2007	Reported Time 06:36	CAD Call No 071770086		
Status SUMMONS ISSUED		Nature of Call DISORD CONDUCT-V (NY ONLY)						
Location 25 PENN STATION				City MANHATTAN	Rep Dist MPST02	County MANHATTAN		
Beat 4K02	From Date 06/26/2007	From Time 06:19	To Date 06/26/2007	To Time 06:19				
Officer F86429/FUENTES, RAYMOND L			Assignment PATROL OFFICER	Entered by V86688	Assignment PATROL OFFICER			
RMS Transfer Successful	Transit ID NONE	Orig Nature of Call SS	CTV County of New York	Approving Officer R86170				
Approval Date 06/26/2007		Approval Time 11:03:20						
NYS PIN CK MADE-NO HIT Yes								
# Offenses 1	Offense NY PL 240.20 02 0V0		Description DIS/CON: UNREASONABLE		Complaint Type C	Use 0	Bias 77	
#Pr 1	MOE Ad	Weapon/Force 90C	IBRS 1	No 1	Threat Type			Loc 06

Person Summary

Invl *PD	Invl No 1	Type L	Name PO FUENTES	MNI 	Race 	Sex 	DOB
Invl SUM	Invl No 1	Type I	Name RICHARDSON, RICHARD	MNI 384148	Race B	Sex M	DOB 03/20/1956
Invl VIC	Invl No 1	Type S	Name PSNY	MNI 384149	Race 	Sex 	DOB
Invl WIT	Invl No 1	Type I	Name CANARA, KATILILU	MNI 384150	Race 	Sex 	DOB

Summary Narrative

Report of male subject acting disorderly, summons issued.

Report Officer F86429/FUENTES, RAYMOND L	Printed At 09/27/2007 08:06	Page 1 of 2
Supervisor Signature		

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

VERONICA C. McKENNA, being duly sworn, deposes and says:

That deponent is not a party to this action, is over 18 years of age and resides in Manorville, New York.

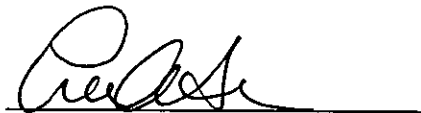
That on the 21st day of November, 2007, deponent served the within **INITIAL DISCOVERY SRCP 26(a)(1) STATEMENT** upon the attorneys below set forth representing the parties, as indicated, at the addresses shown, said addresses being designated by said attorneys for that purpose, by depositing a true copy of same, enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

Richard Richardson
1416 Brooklyn Avenue
Apt. 1A
Brooklyn, New York 11210
718.282.3365

Sabrina Tann, Esq./Katherine Smith, Esq.
Assistant Corporation Counsel
Special Federal Litigation Division
100 Church Street
New York, New York 10007


VERONICA C. McKENNA

Sworn to before me this
21st day of November, 2007.



Lois A. Skula
Notary Public, State of New York
Registration No.: 4966255
Qualified in Suffolk County
Commission Expires :May 1, 2010

~~07 CV 762(ARR)~~

Index No.
UNITED STATES DISTRICT COURT

Year 20

RICHARD RICHARDSON,

Petitioners,

- against -

**NEW YORK CITY; NEW YORK CITY LIRR POLICE COMMAND DISTRICT #4; ALL
JOHN DOE OFFICERS; JOHN DOE TOUR COMMAND; OFFICER FUENES, TAX ID
086729 AND OFFICE SGT. SMITH,**

Respondents.

Initial Discovery SRCP 26(a)(1) Statement

LEWIS JOHS

Lewis Johs Avallone Aviles, LLP

Counselors at Law

Attorneys for

Office and Post Office Address
21 East Second Street • Riverhead, NY 11901
631.369.7600 • Fax 631.369.7680
FILE #:

CERTIFICATION PURSUANT TO 22 N.Y.C.R.R. § 130-1.1a

The undersigned hereby certifies that, pursuant to 22 N.Y.C.R.R. § 130-1.1a, the contentions contained in the annexed document(s) is not frivolous nor frivolously presented

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Sir: Please take notice

☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on

20

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.

of which the within is a true copy will be presented for
one of the judges

of the within named court, at
on

20

at

M.

Dated,

Yours, etc.

LEWIS JOHS

Lewis Johs Avallone Aviles, LLP